

## **REMARKS**

Reconsideration and allowance of the captioned application in view of the foregoing amendments and the remarks that follow is respectfully requested. These comments are intended to advance the case to issue without delay. The claims in the application were 1-51. By this amendment, claim 51 is cancelled and claims 52-55 have been added. Accordingly, the claims now in the application are claims 1-50 and 52-55.

New claims 52-55 have been added claiming narrower ranges previously claimed. Support may be found in the specification in original claims 18, 19, 29, and 33.

Claims 1 and 24 have been objected to because of informalities.

More specifically, claim 1 is objected to for the use of the phrase "[A]s a new compound". Claim 1 has been appropriately amended deleting the phrase "[A]s a new compound".

Additionally, claims 1 and 24 are objected to for the use of the term "general" in the phrase "general formula". Claims 1 and 24 have been amended deleting the term "general" in the phrase "general formula". Accordingly, applicant respectfully request that the objections to claims 1 and 24 be withdrawn.

Claim 51 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 50. By this amendment, applicant has cancelled claim 51, thus mooting this objection.

Claims 1-51 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

More specifically, claim 1 is rejected as the term "-R-CO-" is said to indicate that R is attached to another group other than the CO moiety and that this does not appear to be the intent. The Examiner is correct that this is not the intent. As suggested by the Examiner, the term "-R-CO-" has been amended to read "R-CO-".

Claim 1 is also rejected for the use of the term "substitution" of moieties to effectuate modification of the chemical core claimed. Applicant refers the Examiner to pages 10-12 which provides examples of such substitutions thus distinctly pointing out such type of substitutions.

Claims 18 and 19 have been rejected for having broader and narrower ranges contained therein. It is respectfully submitted that these rejections have been obviated by the amendments to claims so that now each has only one range in them. In addition, new dependent claims 52 and 53 have been added which recite the narrower range which were cancelled out of claims 18 and 19.

Claim 21 has been rejected as a word has been omitted between the terms "not" and "than". The claims has been amended to properly read "not more than".

Claim 27 has been rejected as it is stated to be unclear what components of the claimed invention the term "its" and "it" refers to. Claim 27 has been amended to more clearly recite what these terms refer to.

Claims 29 and 33 have been rejected for having broader and narrower ranges contained therein. It is respectfully submitted that these rejections have been obviated by the amendments to claims so that now each has only one range in them. In addition, new dependent claims 54 and 55 have been added which recite the narrower range which were cancelled out of claims 29 and 33.

Claims 24 and 32 have been rejected as it is stated that it is not clear what the passage "being not more than a minority of X residues" is referring to, rendering the claims and those depending on them indefinite. This passage has been amended to read "H, being not more than a minority of X residues" thus more clearly reciting the claimed invention in claims 24, 32 and those depending upon these claims..

Claim 40 has been rejected as it is suggested that a word is missing between the words "comprising" and "selected" and furthermore that proper Markush terminology should be set forth. Claim 40 has been amended changing the word "comprising" to "is" and adding proper Markush claim language.

Claims 43 and 44 have each been rejected for the recitation of the phrase "the or one active agent" which is said to lack antecedent basis rendering the claim indefinite. Both claims 43 and 44 have been amended to make them dependent upon claim 37 and incorporate the phrase "the one or more active agent" as recited in claim 37.

Claim 45 has been rejected as lacking antecedent basis for the phrase "the antiperspirant salt". Claim 45 has been amended to be dependent upon claim 44 which provides proper antecedent basis for the phrase "the antiperspirant salt".

Claim 47 has been rejected as lacking antecedent basis for the term "the emulsion". Claim 47 has been amended to be dependent upon claim 42 which provides proper antecedent basis for the phrase "the emulsion".

Claim 48 has been rejected as lacking antecedent basis for the term "the emulsion". Claim 48 has been amended to be dependent upon claim 42 which provides proper antecedent basis for the phrase "the emulsion".

In view of the numerous claim amendments discussed above, withdrawal of these objections and rejections is respectfully requested.

Claims 28-30, 32, and 37-46 have been rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-10, 15, 21, and 23-27 of prior U.S. Patent No. 6,248,312. Applicant respectfully submits that the present invention is not drawn to identical subject matter as is claimed in prior U.S. Patent No. 6,248,312. In the present invention, it is required that Z differs from X, such that Z is never the same as X in any molecule. U.S. Patent No. 6,248,312 is not drawn to such an invention and thus applicant respectfully request that this rejection under 35 U.S.C. 101 be withdrawn.

Claims 1-12 and 15-21 have been rejected under 35 U.S.C. §102(b) as being anticipated by Blair (WO 99/33853). The Blair disclosure is directed to substituted carbohydrates including substituted cellobiose as is shown in Formula 4 on page 8 of Blair. In Formula 4, one or more of  $R_{1-8}$  are independently  $NHR_9$ ,  $N(R_9)_2$ ,  $O(C=O)R_9$ , or  $OR_9$ , wherein  $R_9$  is a branched, saturated or unsaturated, C3-C20 hydrocarbon, e.g., a C3-C8 hydrocarbon, and preferably a C5-C6 hydrocarbon.  $O(C=O)R_9$  may be, for example, an acid acyl group of an acid such as isobutyrate, pivalate, 2,2-dimethylbutyrate, 3,3-dimethylbutyrate, 2-ethyl butyrate). The remainder of  $R_{1-8}$  are independently  $OH$ ,  $NHR_{10}$ ,  $N(R_{10})_2$ ,  $O(C=O)R_{10}$ , or  $OR_{10}$ , wherein  $R_{10}$  is alkyl, for example a C1-C4 alkyl group, such as methyl, butyl, or propyl. Blair does not expressly contemplate that substitution at the anomeric carbon is different from all other carbons in the cellobiose. Such a structure, if even found to be within the disclosure of Blair, is only part of a huge shotgun disclosure giving no specific guidance to the person of ordinary skill in the art. Just as a dial of a combination lock contains all the numbers, Blair, allegedly, contains all the requisite structure, but coming up with the correct combination of substitution within the cellobiose structure is the same as trying to figure out the combination of the combination lock merely by looking at the dial which contains all the numbers.

The examples of Blair provide more specific guidance, but applicants do not see that any of the examples correspond to the subject matter of applicant's claims.

Indeed, applicant does not see that any of the examples of Blair show substitution at the anomeric carbon that is different from all other carbons in the cellobiose structure.

Thus, Blair does not anticipate claims 1-12 and 15-21. Accordingly, applicant respectfully request that this rejection under 35 U.S.C. §102(b) be withdrawn.

Claims 28, 30, 32, 37, 38, 50 and 51 have been rejected under 35 U.S.C. §102(b) as being anticipated by Blair (WO 99/33853). As previously stated, Blair does not expressly contemplate that substitution at the anomeric carbon is different from all other carbons in the cellobiose as is claimed in the present invention and thus does not anticipate the structure as claimed in the present invention.

Thus, Blair does not anticipate claims 28, 30, 32, 37, 38, 50 and 51. Accordingly, applicant respectfully request that this rejection under 35 U.S.C. §102(b) be withdrawn.

In light of the above amendments and remarks, it is respectfully requested that the application be allowed to issue.

If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,



Kevin J. Stein  
Registration No. 47,966  
Attorney for Applicant(s)

KJS/sa  
(201) 840-2394